

# W5YI

America's Oldest Ham Radio Newsletter

## REPORT

Up to the minute news from the world of amateur radio, personal computing and emerging electronics. While no guarantee is made, information is from sources we believe to be reliable.

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Fred Maia, W5YI, Editor, P.O. Box 565101, Dallas, TX 75356-5101  
Electronic mail: fmaia@internetMCI.com Website: <http://www.w5yi.org>  
Tel. 817-461-6443 FAX: 817-548-9594

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## New Visiting Foreign Amateur Operation Policy Proposed

On September 20<sup>th</sup>, the FCC issued a 14-page *Notice of Proposed Rule Making* looking toward permitting radio amateurs from certain foreign countries to operate their stations while on short visits to the United States. The NPRM suggests new rules which, if approved, will implement two pending international reciprocal operating arrangements.

The new policy will make it easier for U.S. amateur operators to operate stations temporarily in twenty-two European and ten South and Central American countries with a minimum of paperwork. It will also benefit amateur operators of these same countries by allowing them to operate stations in places where the service is regulated by the Commission.

### Background

Currently, foreign amateur operators are authorized to operate stations in the U.S. under three circumstances.

- 1.) The Part 97 Amateur Service regulations provides operating privileges in the U.S. to citizens of Canada who hold amateur service licenses issued by the Government of Canada.
- 2.) The rules also provide operating privileges to radio-amateurs who are citizens of some 76 countries whose governments have entered into bilateral reciprocal operating arrangements with the United States. They obtain non-renewable one-year permits to operate their amateur stations in the

U.S. The FCC issues some 2,500 reciprocal permits annually.

3.) Non-U.S. citizens who pass the required examinations are granted licenses in the same manner as U.S. citizens. This procedure is usually used by foreign operators who reside permanently in the U.S., by those who are here for lengthy stays ...or when a reciprocal licensing arrangement does not exist between the foreign amateur's home country and the United States.

There are two pending reciprocal arrangements that offer to provide more convenient ways for foreign amateurs to operate stations in the U.S. They are the *European Conference of Postal and Telecommunications Administrations* (CEPT) radio-amateur license and the *Inter-American Convention on an International Amateur Radio Permit* (CITEL/-Amateur Convention.) These negotiations were prompted by amateur operators who want to operate their stations during international travel without first obtaining a permit from each country visited.

### The CEPT radio-amateur license

Under CEPT recommendation T/R 61-01 (CEPT Agreement), CEPT radio-amateur licenses are granted by the country of which the person is a citizen. By possession of these licenses, holders can operate an amateur station temporarily in any participating CEPT country without first obtaining another license or permit from the host country. Currently, twenty-two CEPT countries have



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implemented the agreement.

They are: Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France [including French Guiana, French Polynesia (Gambier, Marquesas, Society and Tubuai Islands, and Tuamotu Archipelago), Guadeloupe, Ile Amsterdam, Ile Saint-Paul, Iles Crozet, Isles Kerguelen, Martinique, New Caledonia, Reunion, St. Pierre and Miquelon, and Wallis and Futuna Islands], Federal Republic of Germany, Hungary, Republic of Ireland, Italy, Liechtenstein, Luxembourg, Netherlands, Norway, Romania, Slovakia, Sweden, Switzerland, and the United Kingdom [including Bermuda, British Virgin Islands, Cayman Islands, Channel Islands (including Guernsey and Jersey) Falkland Islands (including South Georgia Islands and South Sandwich Islands), Great Britain, Gibraltar, Hong Kong, Isle of Man, Montserrat, Northern Ireland, Saint Helena (including Ascension, Gough Island, and Tristan De Cunha Island), and Turks and Caicos Islands.]

The CEPT Agreement also provides for reciprocal operation between participating CEPT countries and participating non-CEPT countries. The agreement, however, does not cover the operation from stations from non-CEPT participants in the countries of other non-CEPT participants. Three non-CEPT countries — Israel, Peru and New Zealand — are currently participating in the CEPT Agreement.

With the U.S. as a participating non-CEPT country, U.S. citizens could operate amateur stations temporarily in participating European countries and their citizens could enjoy similar operating privileges in the U.S. The FCC has already requested the Department of State to apply for participation in the agreement as a non-CEPT country and it is expected that the agreement will be concluded this year.

## International Amateur Radio Permit

The *Inter-American Convention on an International Amateur Radio Permit* is an arrangement that would allow visitors to operate stations temporarily in other countries of the Americas. The Inter-American Amateur Convention was adopted and opened for signature by the *General Assembly of the Organization of American States* at its Twenty-Fifth Regular Session, held June 5, 1995, in Montrouis, Haiti.

The August 21-25, 1995, meeting of the *Inter-American Telecommunications Commission (CITEL) Permanent Consultative Committee III: Radio Communications* adopted a resolution submitted by the U.S. urging members to sign the CITEL/Amateur Convention.

Participation in the CITEL/Amateur Convention would allow U.S. citizens to operate amateur stations in ten countries within CITEL. Under the CITEL/Amateur Convention, individual amateur operators with an International Amateur Radio Permit (IAP) would have reciprocal operating privileges.

The CITEL countries are: Argentina, Brazil, Canada, Chile, Colombia, Ecuador, Honduras, Mexico, Paraguay, Peru, United States and Uruguay.

Article 3 of the CITEL/Amateur Convention provides that an IAP may be issued by the home administration or, under authority delegated, by the member-society of the International Amateur Radio Union (IARU). The American Radio Relay League, Inc., (ARRL) has offered its services to the Department of State to conduct this work on a non-discriminatory basis, at no cost, charge, or expense to the United States Government.

On July 19, 1995, the ARRL filed a petition for rule making (assigned RM-8677) requesting amendment of the rules to implement the CITEL/Amateur Convention. ARRL further requested the Commission to acknowledge the arrangements to be made between the ARRL and the Department of State for the Issuance of IARP documents to U.S. citizens for their use in other CITEL countries.

## Foreign Amateur Operators Visiting the U.S.

The FCC said it believed that U.S. participation in both the CEPT and CITEL agreements would benefit U.S. amateur operators who travel to Europe and the Americas, as well as foreign amateur operators visiting places where the amateur service is regulated by the Commission.

"Arrangements of the types contemplated are authorized by the Communications Act. Those statutory provisions authorize the Commission to permit an alien, licensed by his or her government as an amateur operator, to operate an amateur station in the U.S., provided there is in effect a multilateral or bilateral agreement that allows such operation on a reciprocal basis. Therefore, in anticipation of U.S. participation, we tentatively conclude that the rules should be amended to authorize, by rule, citizens of participating CEPT countries holding CEPT radio-amateur licenses and citizens of participating CITEL countries holding IARPs to operate amateur stations in the U.S. temporarily."

"We believe that the temporary period for operation in the United States under a CEPT radio-amateur license or IAP should be of sufficient duration to provide flexibility for foreign visitors on business trips and vacations, tourists and persons attending conferences, as well as students and visiting professors, to operate their amateur stations without the need to submit applications or take examinations well in advance of their visit," the FCC said. The Commission proposed to authorize up to 180 days within the immediately preceding five years. "This would benefit foreign amateur operators who make several short-term visits to the United States during the five years, as well as those who make but a single visit. ... A longer stay would appear to warrant obtaining an



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amateur service license because of the likelihood of more sophisticated station operations." The FCC requested comments "...concerning our proposed definition of short-term visits as stays for 180 days within the immediately preceding five years."

The Commission said it believed that most temporary amateur operation would be through handheld or mobile transceivers. The Part 97 rules do not permit the holder of a reciprocal permit to establish an auxiliary, beacon or repeater station.

"We believe generally that widespread access to information of the authorization status of transmitting stations promotes self-policing and discourages unlicensed stations from operating on the amateur service bands. We provide an accessible data base listing the amateur stations and operators that we authorize. It is updated daily and disseminated through the Internet. [It also lists the persons to whom the FCC has issued a reciprocal amateur operating permit.] The amateur service community further processes and disseminates this information electronically."

"Under the procedures proposed, ...operation would be authorized by rule rather than by the grant of a license or permit. Information on the status of holders of CEPT radio-amateur licenses and IARPs, therefore, would have to be obtained from the responsible agencies in the country of issuance."

"Considering the short time period during which foreign visitors would be operating amateur stations, we do not believe it would be necessary for the Commission to routinely collect and disseminate the information. We have no objections, however, to the amateur service community doing so."

## U.S. amateur operators visiting foreign countries

The FCC said that "No amendments to our rules are necessary for operation by U.S. citizens in foreign countries. Further, we do not contemplate that the Commission will issue individual licenses for operation in foreign countries nor maintain a data base of such information. To activate operating authority in Europe under the CEPT Agreement, a traveler would have to carry credentials explaining in English, French and German that the person, if a U.S. citizen and if a Commission-licensed amateur operator, is entitled to certain amateur station operating privileges in the specific European countries that have implemented the CEPT Agreement. For this purpose, we propose to rely upon (1) a public notice containing the necessary explanation, (2) the Commission issued amateur service license document (FCC Form 660), and (3) proof of U.S. citizenship. For the CITEL/-Amateur Convention, we have no objection to the mechanism that ARRL wishes to establish for the issuance of IARP documents to U.S. citizens. We request comment on these conclusions and issues, including the desirabil-

ity of relying upon a public notice or other document similar to that proposed for the CEPT Agreement."

## Operator privileges

In view of the variations in operator requirements and privileges between countries and the temporary nature of the intended operations, the FCC said the CEPT license or IARP permit should not be used to circumvent the license examination system of the host country.

"We propose, therefore, that no resident alien or U.S. citizen, regardless of any other citizenship held, be eligible to operate an amateur station in the U.S. under a CEPT radio-amateur license or IARP. We believe that the operating requirements for a resident alien should be the same as that for a U.S. citizen. We propose, moreover, that when a non-U.S. citizen holding either a CEPT radio-amateur license or an IARP obtains a ten-year term license grant, only the operator privileges of the Commission license apply. When a person, regardless of citizenship, obtains a Commission license, the skill level at which the person can operate a station properly in the U.S. has been established accurately by our amateur service community. The volunteer examiners in the community determine through a series of increasingly difficult examinations in regulatory, operational, and technical matters the highest of six classes of operator license at which the person can operate an amateur station properly under the Commission's rules for the amateur service. We request comment on these proposed safeguards for our amateur operator license examination system."

"There are two classes of CEPT radio-amateur licenses and IARPs. Class 1 requires knowledge of the International Morse code and carries all operating privileges. It is, therefore, similar to our Amateur Extra Class. Class 2 does not require knowledge of telegraphy and carries all operating privileges above 30 MHz. It is, therefore, similar to our Technician Class operator license."

"We propose, therefore, to authorize for Class 1 operators the frequency privileges of Amateur Extra Class operators. We further propose to authorize for Class 2 operators the frequency privileges of Technician Class operators. Finally, we propose to add the CEPT radio-amateur license and the IARP to the rule providing for station identification by foreign visitors operating amateur stations in the U.S. We request comment on these proposed operator privileges and station identification requirements."

## Filing comments on the proposal

"...interested parties may file comments on or before December 1, 1996, and reply comments on or before January 13, 1997." To file formally, you must file an original and four copies. If you want each Commissioner to receive a personal copy, you must file an



original and nine copies. Comments go to: Office of the Secretary, Federal Communications Commission, Washington, DC 20554.

You may also file comments by electronic mail addressed to Maurice J. Depont at [mdepond@fcc.gov](mailto:mdepond@fcc.gov). Be sure to include the docket number (WT Docket No. 96-188)" and your full name and mailing address in the text of the message.

### The new proposed Part 97 Regulations

The new proposed rule amendments are as follows:

#### § 97.3 Definitions.

(a) \*\*\*

(12) *CEPT radio-amateur license*. A license issued by a country belonging to the European Conference of Postal and Telecommunications Administrations (CEPT) that has adopted Recommendation T/R 61-01 (Nice 1985, revised in Paris 1992 and by correspondence August 1992).

(25) *IARP*. International Amateur Radio Permit. A document issued pursuant to the terms of the Inter-American Convention on an International Amateur Radio Permit by a country signatory to that Convention, other than the United States. Montrouis, Haiti. AG/doc. 3216-/95.

#### § 97.5 Station license required

(c) \*\*\*

(3) A CEPT radio-amateur license issued to a person by the country of which the person is a citizen. The person must not:

(i) Be a resident alien or citizen of the United States regardless of any other citizenship also held;

(ii) Hold an FCC-issued amateur operator license nor reciprocal permit for alien amateur licensee;

(iii) Be a prior amateur service licensee whose FCC-issued license was revoked, suspended for less than the balance of the license term and the suspension is still in effect, suspended for the balance of the license term and relicensing has not taken place, or surrendered for cancellation following notice of revocation, suspension or monetary forfeiture proceedings; or

(iv) Be the subject of a cease and desist order that relates to amateur service operation and which is still in effect.

(4) An IARP issued to the person by the country of which the person is a citizen. The person must not:

(i) Be a resident alien or citizen of the United States, regardless of any other citizenship also held;

(ii) Hold an FCC-issued amateur operator license nor reciprocal permit for alien amateur licensee;

(iii) Be a prior amateur service licensee whose FCC-issued license was revoked, suspended for less than the balance of the license term and the suspension is still in effect, suspended for the balance of the license term and relicensing has not taken place, or surrendered for cancellation following notice of revocation, suspension or monetary forfeiture proceedings; or

(iv) Be the subject of a cease and desist order that relates to amateur service operation and which is still in effect.

#### § 97.7 Control operator required.

(c) A CEPT radio-amateur license issued to the person by the country of which the person is a citizen. The person must not:

(1) Be a resident alien or citizen of the United States regardless of any other citizenship also held;

(2) Hold an FCC-issued amateur operator license nor reciprocal permit for alien amateur licensee;

(3) Be a prior amateur service licensee whose FCC-issued license was revoked, suspended for less than the balance of the license term and the suspension is still in effect, suspended for the balance of the license term and relicensing has not taken place, or surrendered for cancellation following notice of revocation, suspension or

monetary forfeiture proceedings; or

(4) Be the subject of a cease and desist order that relates to amateur service operation and which is still in effect.

(d) An IARP issued to the person by the country of which the person is a citizen. The person must not:

(1) Be a resident alien or citizen of the United States regardless of any other citizenship also held;

(2) Hold an FCC-issued amateur operator license nor reciprocal permit for alien amateur licensee;

(3) Be a prior amateur service licensee whose FCC-issued license was revoked, suspended for less than the balance of the license term and the suspension is still in effect, suspended for the balance of the license term and relicensing has not taken place, or surrendered for cancellation following notice of revocation, suspension or monetary forfeiture proceedings; or

(4) Be the subject of a cease and desist order that relates to amateur service operation and which is still in effect.

#### § 97.107 Alien control operator privileges

(c) The privileges available to a control operator holding a valid CEPT radio-amateur license are as specified elsewhere in this Part provided the holder:

(1) Complies with the terms of the agreement between the CEPT and the United States;

(2) Is not a resident alien or citizen of the United States;

(3) Has not been in any area where radio services are regulated by the FCC for more than 180 days within the immediately preceding five years;

(4) Does not hold an FCC-issued operator/primary station license grant; and

(5) Does not hold an FCC-issued reciprocal permit.

(d) The privileges available to a control operator holding a valid IARP are as specified elsewhere in this part provided the holder:

(1) Complies with the terms and conditions of the Inter-American Convention on an *International Amateur Radio Permit* (AG/doc. 3216/95)

(2) Is not a resident alien or citizen of the United States;

(3) Has not been in any area where radio services are regulated by the FCC for more than 180 days within the immediately preceding five years;

(4) Does not hold an FCC-issued operator/primary station license grant; and

(5) Does not hold an FCC-issued reciprocal permit.

(e) At any time the FCC may, in its discretion, modify, suspend, or cancel the reciprocal permit for alien amateur licensee, or the amateur service privileges of any Canadian amateur service licensee, CEPT radio-amateur licensee or IARP permittee within or over any area where radio services are regulated by the FCC.

#### § 97.119 Station identification

(f) When the station is transmitting under the authority of a reciprocal permit for alien amateur licensee, a CEPT radio-amateur license, or an IARP, an indicator consisting of the appropriate letter-numeral designating the station location must be included before, after, or both before and after, the call sign issued to the station by the licensing country. When the station is transmitting under the authority of an amateur service license issued by the Government of Canada, the station location indicator must be included after or both before and after the call sign. At least once during each intercommunication, the identification announcement must include the geographical location as nearly as possible by city and state, commonwealth or possession.

#### § 97.301 Authorized frequency bands.

(a) For a station having a control operator who has been granted a Technician, Technician Plus, General, Advanced, or Amateur Extra Class operator license or who holds a CEPT radio-amateur license or IARP of any class. [All amateur frequencies above 30 MHz.]

(b) For a station having a control operator who has been granted an Amateur Extra Class operator license or who holds a CEPT radio-amateur license Class 1 license or Class 1 IARP. (Amateur frequencies available to the Amateur Extra Class.)



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## FCC REMARKS AT ARRL SUPERFEST CONVENTION

The ARRL National Convention was held September 13-15 at the downtown Peoria (Illinois) Civic Center. In attendance was FCC's John B. Johnston, W3BE and Bob McNamara, N1KHF who journeyed from their Washington, DC headquarters to attend Superfest '96.

Here is an edited recap of the points covered by Johnny Johnston and Bob McNamara in their remarks at the FCC forum.

### Vanity Call Sign System

Gate 1 opened on May 31 followed by Gate 1A on July 22. Both provided for the reclaiming of previously held call signs. Nearly 5,000 stations have already received a vanity call sign. Gate 2 opened September 23 which permits Extra Class amateurs to apply for any assignable call sign. Starting at this gate, amateurs are able to request their vanity call sign electronically via the Internet.

[Updated information: We understand that 339 Vanity call signs were requested electronically on the first day and an additional 4,184 were delivered on paper Form 610-Vs to the Mellon Bank in Pittsburgh, the FCC's fee collector.

A very common question is, "Which applications are going to be handled first?" The FCC has now said that in the interest of fairness, all applications received on September 23<sup>rd</sup> - whether filed electronically or delivered to the Mellon Bank - will be date stamped (but not time stamped.) All electronically filed applications are being held until all paper applications from the first day's submissions are keyed by the FCC in Gettysburg. Then the FCC will scramble all Vanity call sign requests and begin issuing them in random order. In other words, the system will be basically by lottery with no one having an advantage. An application received by mail at 11:59 p.m. has as much chance of being processed first - as an electronically filed Form 610-V transmitted to the FCC at 12:01 a.m.]

### Electronic filing of routine Form 610s

All sixteen Volunteer-Examination Coordinators now file Form 610 (New and Upgraded) Amateur license applications electronically. "They can even file your application for name or address change even where there is no exam involved. ...It is gratifying to hear staff from other parts of the FCC saying things such as, 'Let's go to electronic filing - like they are doing in amateur.'"

"We know that the amateur community is making its license data base readily accessible on-line. Not only does it further cut the delay before a new ham can get on the air, it also helps with your self-policing. Just the accessibility to knowledge of the license status of transmitting stations must help discourage unlicensed stations from operating on the amateur service bands."

### Telecommunications Act of 1996

"[The TeleCom Act] eliminated two unpopular requirements of your VEC system. The laws as originally enacted by Congress back in 1983 were apparently intended to help you avoid problems with cheating. First, there was that law prohibiting publishers, manufacturers and their employees from being

VEs or VECs. Its purpose probably was to prevent the appearance of favoritism toward examinees who buy certain manuals or transmitters. All of your exams, however, draw from the same pools. It is highly unlikely that anyone could unfairly benefit."

"The most controversial unintended consequence was to prohibit your instructors from administering examinations when they distributed manuals to their students. That requirement is gone. Publishers, manufacturers and their employees can now administer examinations. Secondly, there was that law requiring your VECs and VEs to keep records of their expenses and annually certify them to the FCC. Record keeping and annual certifications are now history."

### HF digital communications

"As your digital communications has evolved over the years, there have been a number of accommodations made in the rules. First, there was the Baudot code for RTTY. ...Next came ASCII ...[and then] AMTOR. Around this time, practically everyone obtained a personal computer. Some of you starting developing your own digital codes. You got around the international agreements by using your codes in domestic communications only [and] used the shorter wavelength bands where international communication is unlikely."

"Paul Rinaldo from the League alerted us to that fact that some of you were concerned about the propriety of using your new codes like CLOVER, G-TOR and PacTOR because your rules referenced only Baudot, ASCII and AMTOR. Paul worked with the developers of the new codes to document their technical characteristics so there would be standards to reference in the rules. As a result, the rules were amended to authorize your stations to use any digital code whose technical characteristics have been documented publicly."

### Amateur call signs ...and such

Johnston covered the status of, WT95-57, a NPRM that covers several miscellaneous amateur proposals.

"You want the eligibility for a club station license to be tightened up. You want the club to have at least four members. Many of you choose to append a self-assigned call sign for one reason or another. Right now, the rules require that the indicator come after your call sign. Some of you, however, prefer to append it to the front. The FCC proposed all possible combinations: front, back, front and back ...or neither."

"You had asked that we reserve the block of 750 one-by-one call signs for temporary use by your special event stations. We assumed - incorrectly, it now appears - that you would tell us of a handful of events that you considered special enough to warrant a one-by-one call sign. We thought Gettysburg could squeeze in that amount of extra work."

"I presume that many of you have worked stations already using one-by-one call signs. How did they get them? There used to be a rule that no request for a specific call sign would be granted. That rule had to be dropped for the vanity call sign system, obviously. Your attorney has been preparing a grant document for each request you support. He hand-carries it over to our office at a convenient time such that all we have to do is sign on the dotted line. We have been signing these requests as long as it causes us no work."

"This item also proposed that exam credit be extended to former amateur operators and that the role of your VE Team leaders be recognized."



## Spread Spectrum

"You have petitioned the FCC to permit you to expand your spread spectrum activity. ...In 1981, *Special Temporary Authority* to experiment with spread spectrum was granted to 25 amateur stations. On the basis of these experiments, two types of spreading techniques - frequency hopping and direct sequence - were authorized in your rules. In RM-8737, you ask for authorization to transmit using additional spreading sequences."

"You also request that each spread spectrum transmitter be required to incorporate a device to automatically limit its power to that actually necessary to carry out the communications. You state that these rule changes would facilitate the ability of your radio service to contribute to the development of communications, while protecting your bands against exploitation by persons at unlicensed stations. ...Some commenters oppose spread spectrum out of concerns that it will result in interference to stations using narrow-band emission types for engaging in satellite, weak signal and repeaters. The majority of commenters, however, support additional spread spectrum communications... We anticipate a Notice of Proposed Rule-making for you to contemplate and place your comments on the public record."

## PRB-1, federal antenna pre-emption

"You may recall in 1984, you petitioned the FCC for a declaratory ruling that would limit local regulatory control of amateur stations. The result was PRB-1. You had reported that municipalities and local land use regulatory authorities were regulating your antenna heights, placement, and dimensions such that your communications, in effect, were often prohibited. You also said that when you brought suit to erect antennas, the cases were almost always resolved in favor of the local authority, without taking into account the effect on amateur service communications. ..."

"It was in this climate that PRB-1 was adopted. It annunciated FCC policy toward state and local regulatory restrictions on amateur station facilities, including antennas and support structures. ...PRB-1 also stated that the limited Federal pre-emption does not apply to covenants, conditions and restrictions in deeds and in condominium regulations because they are contractual agreements between private parties. ..."

"Several of you have inquired if the new TeleCom Act covers amateur station antennas. The answer is 'No.' It contains no provisions as far as antennas are concerned for your amateur stations. It does, however, direct the FCC to pre-empt non-federal restrictions on certain direct-to-home video services."

"On February 7, 1996 you filed your petition for rule making (assigned RM-8763) asking for clarification on the following:

- That the role of local governments and municipalities in applying the preemption policy is to make reasonable accommodation for amateur service communications;
- That excessive costs for conditional use permits or hearings thereon, or for engineering certifications, are deemed to be the functional equivalent of a prohibition of amateur antennas and, thus, are preempted.
- That overly burdensome conditions in conditional use permits, such as total screening of the antenna where the cost of compliance approaches the cost of antenna installation, are

also preempted for the same reason,

- That denial of a particular use permit or special exception does not relieve the municipality of the basic obligation to make a reasonable accommodation for amateur communications;
- That conditional use procedures are only an adjunct to a minimum permitted antenna height; and
- That all restrictions on antennas that are unreasonable - such as setbacks, should be preempted where less burdensome restrictions can be used, such as retractable antennas.

"We expect that the Commission will consider a Notice of Proposed Rule Making in response to your petition."

## RF safety guidelines

"Last month the Commission adopted new guidelines and methods for evaluating the environmental effects of RF radiation from FCC-regulated transmitters. ...the new rules became effective on August 6, 1996."

"In the way of background, for many years, Federal agencies have been required to evaluate the effects of their actions on the quality of the human environment. In 1985, the Commission adopted rules requiring applicants for broadcast stations and satellite uplinks to prepare an Environmental Assessment where the general public or workers might be exposed to high levels of RF radiation. The basis for these rules were RF protection guidelines adopted by the American National Standards Institute - ANSI. Your stations were excluded from these requirements along with certain low-power, intermittent or normally inaccessible stations."

"In 1992, based upon new guidelines issued by the Institute of Electrical and Electronic Engineers, the ANSI adopted new guidelines. The FCC's 1993 proposal was to revise the rules based upon the new guidelines. ...the greatest protection is needed between 30 and 300 MHz. That takes in your ten, six, two and one and 1/4 meter bands."

"There are many variables to be considered in determining whether an amateur station complies with guidelines for environmental RF exposure. Over 708,000 of your stations are licensed to transmit from any place where the FCC regulates the service, as well as on the high seas. Your stations do not require pre-approval. You don't need permission to move your station or to add additional stations at the same or other locations. ...Your stations are located practically anywhere and everywhere. They are in dwellings, in airplanes, on ships and space craft. They are even carried on your person. Many of your stations transmit from residential or other areas where your families, friends and neighbors may be in close proximity to the RF radiation source. ..."

"The FCC concluded that although it appears to be relatively small, there is a potential for amateur stations to cause humans to be exposed to radiation in excess of the guidelines."

- Your stations transmit with up to 1,500 watts on frequencies in specified bands from 1,800 kHz to over 300 GHz.
- Certain of your emission types - particularly FM and PM - have high duty cycles.
- Your stations are not subject generally to restrictions on antenna gain, antenna placement and other relevant exposure variables. Your antenna requirements are based on aeronautical safety and protection of land of environmental importance or that is significant in American history, architecture or culture.

"Even though excessive exposure may be relatively un-



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guidelines must also apply to amateur stations. In some instance, you will be required to evaluate your station for compliance with the guidelines."

"First, no evaluation is required where your transmitter is 50 watts or less. That is 50 watts RF peak envelope power at the transmitter output terminals. Some of you may decide to just turn that power control knob back a bit. The ham on the other end probably won't even notice."

"If you decide to run above 50 watts, you're going to determine if your station will cause an excessive level of RF power density in controlled and uncontrolled environments. An 'uncontrolled environment' is a location where there are only persons who are aware of the potential for a certain level of exposure to RF radiation. This would apply to you, your immediate family and other persons in your home, your car or wherever you operate your station. ...Most amateurs do not currently have access to the test instruments required to actually measure RF density."

"The FCC adopted your suggestion for more questions on RF safety in your examinations. We have received your request to allow you more time to develop more questions on RF safety. We hope to have an answer for you shortly."

"The FCC found it to be your duty to prevent your station from transmitting from any place where it could cause human exposure to levels of RF radiation that are in excess of the guidelines. ...The FCC also adopted your suggestion that all amateur operators be required to certify that they have read and that they understand the rules regarding RF safety at the time of filing a license application."

## VE teams - who is responsible for what...

"We continue to hear in your ham-speak, the terms 'VE Team' and 'Team Leader.' As we keep pointing out to your VECs, these terms are not in the rules. They seem to have great meaning, however, to many of you."

"As the VEC system has evolved over the past 13 years, your VEs have very conspicuously organized themselves into teams and team leaders. It is uncomfortable to keep on using a different set of terms than you use. I don't doubt for one second that it is more productive for one member to perform the ministerial functions for a team."

"Probably as a result, there appears to be widespread misunderstanding — both inside and outside the amateur community — as to the scope and areas of accountability of the members of your 'VE teams' who function in various capacities."

"The three VEs who certify that they have complied with the administering VE requirements are jointly and individually accountable for the proper administration of each and every examination element reported on the FCC Form 610. They — and they alone — are the accountable persons of record. For each of those certifications, the signature is carefully reviewed and authenticated by the coordinating VEC. Only after determining that everything is in order does the VEC update your licensee data base. The certifying VEs accountability cannot be delegated."

"It is the three VEs who sign the certification form who are ultimately accountable for the proper administration of an examination. Their decision cannot be overridden by a team leader or by the VEC."

## AMATEUR RADIO STATION CALL SIGNS

.....sequentially issued as of the first of September 1996:

Radio District	Gp."A" Extra	Gp."B" Advan.	Gp."C" Tech/Gen	Gp."D" Novice
0 (*)	AB0CW	KI0EP	(***)	KB0YOV
1 (*)	AA1QP	KE1GD	N1XXL	KB1BZV
2 (*)	AB2CD	KG2IM	(***)	KB2ZXJ
3 (*)	AA3OZ	KE3XO	N3YCJ	KB3BQL
4 (*)	AE4YG	KT4WL	(***)	KF4MIE
5 (*)	AC5JU	KM5DV	(***)	KC5WIR
6 (*)	AC6XR	KQ6JS	(***)	KF6GOG
7 (*)	AB7SQ	KK7BP	(***)	KC7SVE
8 (*)	AA8YA	KG8YX	(***)	KC8EYJ
9 (*)	AA9TJ	KG9ID	(***)	KB9OPS
N. Mariana	NH0A	AH0AW	KH0FK	WH0ABF
Guam	WH2X	AH2DC	KH2QY	WH2ANR
Johnston Is.	AH3D	AH3AD	KH3AO	WH3AAG
Midway Is.		AH4AA	KH4AG	WH4AAH
Hawaii	(**)	AH6OU	KH7BM	WH6DCV
Kure Is.			KH7AA	
Amer.Samoa	AH8O	AH8AH	KH8DA	WH8ABF
Wake W.Peale	AH9C	AH9AD	KH9AE	WH9AAI
Alaska	(**)	AL7QS	KL0AV	WL7CTY
Virgin Is.	WP2X	KP2CJ	NP2JL	WP2AIG
Puerto Rico	KP3V	KP3AN	NP3GJ	WP4NMM

\* = All 1-by-2 & 2-by-1 call signs have been assigned.

\*\* = All 2-by-1 call signs have been assigned.

\*\*\* = Group "C" (N-by-3) call signs have now run out in all but the 1st and 3rd call district.

**Note:** KP3/NP3 call signs now assigned in Puerto Rico and KH7 in Hawaii

[Source: FCC, Gettysburg, Pennsylvania]

## NEW AND UPGRADING AMATEUR STATISTICS

For the Month of September 1996

License Class	New Amateurs 1996	Upgrading Amateurs 1996
Novice	44	0
Technician	1365	0
Technician Plus	113	269
General	29	331
Advanced	3	222
Extra Class	4	174
Club	213	0
Total:	1771	996

● On October 11, the Amateur Radio Newsline will host its 1000<sup>th</sup> consecutive week of informational programming to the ham radio community. It said that it could be its last. The non-profit service which has existed on donations for nearly two decades now faces a severe financial crisis which threatens its future. Glen Baxter, K1MAN slammed Newsline in a recent editorial for illegally requesting donations over the amateur airwaves. Newsline is heard weekly on more than 2000 repeaters.



# W5YI REPORT

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■ **The ARRL's Petition for Reconsideration has effectively postponed the implementation date of the new RF safety guidelines.** The new rules (which became effective August 6th) also call for five each additional questions on RF safety to be included in the Element 2 (Novice), 3A (Technician) and 3B (General Class) amateur service license examinations. The League wants the new rules -- and especially the 50W threshold -- to be withdrawn and the matter released for public comment.

The VECs Question Pool Committee, however, which was already in the process of routinely revising the Element 2 and 3A question pools, has decided to go ahead and add about fifty new RF safety questions to each of these two pools. The new questions will be released to the public on December 1, 1996 and will be implemented on examinations administered effective July 1, 1997.

Element 3B, the next pool to be updated, will have fifty additional RF safety questions added next year. That is, if the FCC will go along with the QPC's question pool revision schedule which calls for revisions of all question pools on a four year cycle -- and they may not.

The controversy makes it difficult for license preparation material publishers to know which study questions to include in their manuals. The QPC made a decision to go ahead and include the new questions in the pools -- even though the possibility exists that they may not be used in examinations. The QPC's position is that it can't hurt to include questions on RF exposure.

■ **The European Space Agency (ESA) announced at a Paris press conference on September 26<sup>th</sup> that the launch of Ariane 502 has now been scheduled for mid-April, 1997. It was also confirmed that the AMSAT Phase 3-D International Amateur Radio Satellite will be on this flight.** The other payloads are to be a pair of technological measurement packages for validation of the launch vehicle's ability to place two satellites into a geostationary transfer orbit.

You will remember that the launch of Ariane 501 (the first to use the newly developed Ariane 5 booster) ended in failure in early June. Hopefully, the launch vehicle's "embedded software errors" which were identified as the primary cause of the failure have now been corrected.

The Phase 3-D satellite is now under construction in Orlando, Florida with the help of over a dozen AMSAT groups from five continents. It will be the largest, most complex, and most expensive Amateur Radio satellite ever built.

AMSAT is a not-for-profit, 501(c)(3) educational and scientific organization that was first chartered in Washington, DC, USA. Its objectives include promoting space research and communication by building, launching and controlling Amateur Radio spacecraft. Since its founding, over 25 years ago, many other like-minded organizations have been formed around the world to pursue the same goals and now also share the AMSAT name. Often acting together, these groups have used predominantly volunteer labor and donated resources to design, construct and, with the added assistance of government and commercial space agencies, successfully launch, over two dozen Amateur Radio communications satellites into Earth orbit.

■ **America's most notorious computer hacker, Kevin Mitnick, 33, N6NHG has been indicted on new charges** that accuse him of 25 counts of breaking into the systems of software companies and attacking computers of Internet service providers. He is already awaiting sentencing on an earlier charge of cellular phone fraud. Mitnick faces up to 200 years of jail time if convicted. Using the code name "Condor", Mitnick eluded investigators for two and a half years but was eventually caught in February in Raleigh, NC, after authorities enlisted the help of computer security expert Tsutomu Shimomura. The interstate investigation involved a multi-agency task force that included the Federal Bureau of Investigation, the Internal Revenue Service and the Department of Justice. Lewis DePayne, KA6RBJ, 36, was also named in the indictment on charges that include wire fraud, impersonating company employees to gain access to computers and using "clone" cellular phones and damaging computers at the University of Southern California. Mitnick pleaded guilty in April to one federal count of cellular phone fraud and violating his parole from an earlier computer fraud conviction. That case concerned his activities between Jan. and Feb. of 1995 in North Carolina while the latest set of indictments alleged a set of crimes committed between June 1992 and Feb. 1995.

■ **Important payment information for electronically filed "Vanity" call sign requests.**

(1.) After you transmit your call sign request to the FCC, you **MUST** print out and forward the completed (electronic) FCC Form 159 (FCC Remittance Advice) by mail to the FCC in Pittsburgh. Include your VISA/MasterCard credit card account number or a \$30 check or money order.

(2.) Do NOT send the payment and electronic Form 159 to the regular P.O. Box 358924 that has been established for "Amateur Vanity Call Sign Requests." It **MUST** go to:

FCC, Amateur Vanity  
P.O. Box 358994

Pittsburgh, PA 15251-5994

This is a special box number at the Mellon Bank that has been set up to receive the payment after the Vanity call sign request has been electronically filed.

■ **AM broadcast stations should be showing up shortly on the expanded AM band between 1605 and 1705 kHz.** The FCC proposed (six years ago) to allow about 90 AM stations to relocate. Some 700 stations applied. The automobile industry added the spectrum to car radios years ago. But so far, no stations have appeared. The FCC had difficulty sorting out which stations should be permitted to move up. Their decision is now set to be released.

■ **Microsoft's Bill Gates continues as the world's richest man.** He added \$20 million per business day to his wealth during the prior year. His personal fortune now exceeds \$18 billion.

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#### Instructions to Publishers

1. Complete and file the true copy of this form with your government annually on or before October 1. Keep a copy of the completed form for your records.
  2. In cases where the stockholder or security holder is a trustee, include in items 15 and 16 the name of the person or corporation for whom the trustee is acting. Also include the names and addresses of individuals who are stockholders who own or hold 1 percent or more of the total amount of stock, mortgages, or other securities of the publishing corporation. In item 17, name, check the box, like "Signatures of more than one person is required."
  3. Be sure to furnish all circulation information called for in item 15. Free circulation must be shown in item 15c, 1, and 2.
  4. If the publication has amendments, amendments to a general or regular publication, this Statement of Ownership, Management, and Circulation must be published. It must be printed in any issue in October or if the publication is not published during October, the first issue printed after October.
  5. In item 16, include the date of the issue in which this Statement of Ownership will be published.
  6. Item 17 must be signed.
- Failure to file or publish a statement of ownership may lead to suspension of second-class authorization.



# W5YI REPORT

America's Oldest Ham Radio Newsletter

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October 15, 1996

## Special Report

### ARE CYBER CASINOS THE LONG HERALDED KILLER APPLICATION ON THE INTERNET?

Americans bet more than \$100 billion last year - about half of it on sporting events alone. Only \$2 billion was wagered through legal channels in places like Las Vegas and New Jersey. Make no mistake about it. Internet gambling represents a very big market. Some estimate the potential at \$10 billion!

It's not legal to gamble on the Internet. But that is not stopping what is fast becoming a deluge of new virtual casino gaming services! There is so much money to be made, that companies are willing to set up online casino operations despite the risks. Some very big companies are involved.

According to the FBI, IRS, the Justice Department and numerous state attorney generals, Internet gambling is illegal when a person uses his personal computer as a gambling terminal linked to a telephone line. Under the Interstate Wire Act, it is a felony for anyone in the gambling business to take bets over a network that crosses state or international boundaries. But its done thousands of time every day secretly by local bookies.

#### **How then can Internet casinos exist so freely?**

Because they operate beyond the reach of U.S. law, the IRS and enforcement officials from places where the courts have no jurisdiction. And due to privacy concerns, it is very difficult to determine what a person is doing with his PC in the privacy of his home. By design, the Internet is totally unregulated. It presents the perfect setup for unscrupulous operators who are taking advantage of not only lax regulation abroad, but the big tax advantages to be had from locating and operating from outside a targeted country market. And they are well aware that the United States accounts for 80% of the market.

States that allow casino gambling (and especially Nevada and New Jersey) have strong Gaming Commissions that go to great lengths to keep out organized crime. And it is a very difficult job! To avoid state and U.S. scrutiny, virtual casinos operate from offshore sites. They merely sign agreements with foreign governments to operate in their country legally. If local, state and federal governments have trouble controlling public gambling, you can image how difficult it would be to tackle a private virtual casino located in another country.

Although the industry is only a year old, known Internet casinos are operating - or getting ready to operate - from Antigua, Belize, the Cayman Islands, British Virgin Islands, Grenada, and the Turks and Caicos Islands. They have names like WagerNet, InterLotto, Virtual Casino World, SportBet, International Sports Book,

CenterBet, Virtual Vegas, GambleNet, Global Casino, World-Wide TeleSports, Virtual Casino World, BetNet, Caribbean Casino and the Lucky Chance Millionaire Club. And more are on the way!

Little is known about the financial arrangements between the Internet casino operators and the nation's that host Web gambling services, but it is believed they get a tariff on transaction traffic. And international law permits them to legally do so.

The owner operators are usually from the U.S. although one is based in Australia. At least one (Interactive Gaming and Communications Corp, or IGC) is a publicly held company with its securities available for purchase in the over-the-counter U.S. financial marketplace. Most sites are still "under construction." Some warn you not to play if it is illegal in your area. And then make it exceptionally easy for you to do so.

You will shortly be seeing more sites using the Global Casino software which is being licensed to firms that want to open a gambling site. The program allows consumers to establish an account within minutes and begin actual wagering over the Internet on all games traditionally found in a casino. Beta testing of the software begins October 15<sup>th</sup>. IGC will use this program and is offering \$1,000 if you can crack the system.

But it is not only foreigners migrating to "easy" countries that are establishing gaming sites. The government of Liechtenstein operates a multi-million dollar lottery from the Web 24 hours a day. Your account is located at their State Bank and the currency used is Swiss Francs. (A Swiss franc is about 80 cents American.) And the German National Lottery is "on the air" from Salzburg, Austria.

#### **How do the digital casinos work?**

Again, it is very simple! Running an Internet casino is no more difficult than operating a server and an interactive web page with casino software installed. In fact, that is exactly what they do. Their overhead is essentially zero! We asked to visit one in Antigua and was turned down after they determined I was not a stockholder.

To wager, you simply open an account for a certain amount of money using a credit card or other type of cyber cash. And you use the money in your account to play. Your account is credited if you win. You then either transfer your winnings from your account to your bank ...or you take a vacation to a Caribbean resort and pick it up. At least that is how it is supposed to work. Unlike Las Vegas and Atlantic City, however, there is a glaring lack of publicity about anyone ever cashing in. The operators say this is because people want to gamble anonymously.



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## Legal action being taken by state and U.S. regulators

So far, the U.S. government has done little to combat Internet gambling. And there is little they can do as long as the Internet is intentionally unregulated. So illegal gambling interests operate totally in the open - thumbing their noses at the law. There are laws on the books, however, and something will have to give eventually. It is already starting.

U.S. Senators Richard Lugar and Paul Simon have asked for a comprehensive study of gambling. It could lead to "restructured gaming laws." Their bill is called the Lugar-Simon bill and many other Senators are signing onto the measure as co-sponsors.

As mentioned, U.S. law (Title 18/ U.S. Code 1084) already prohibits the foreign or interstate transmission of - or information on bets or wagers by use of wire communication. 18USC1301 prohibits the "importing or transporting"; 18USC1302 - the "mailing" and 18USC-1304 the "broadcasting" of lottery tickets and or information.

The states look upon electronic money transfer across state borders including Internet gambling as a revenue loss. Many states would like to have a way to tax out of state commerce and virtual wagering. At least one state (Minnesota) not only has a misdemeanor statute in place against betting on the Internet ...but has a curious law against persons outside their state who knowingly disseminate information via the Internet in violation of their state criminal and civil law.

Their statute provides for prosecution, conviction and sentencing: "[If a person] Being without a state, causes, aids or abets another to commit a crime within the state" or "...intentionally causes a result within the state prohibited by the criminal laws of this state."

It is not a defense that the defendant's conduct may be legal under the laws of another state, of the United States ...or of another country. Individuals and organizations outside of Minnesota who disseminate information (such as the acquiring of bets on sporting events, purchase of lottery tickets and participation in simulated casino games) in the state via the Internet that causes an illegal result to occur within the state commit a felony under the criminal and civil laws. It is anyone's guess how they intend to enforce that law!

Minnesota says their "Accomplice Liability" law provides that "...persons or organizations (including Internet access providers, local telephone companies and credit card firms) who knowingly assist Internet gambling organizations in any unlawful activity may themselves be liable for that unlawful activity." Under the Minnesota forfeiture provisions (Section 609.762, Subdivision 1), the State of Minnesota can legally kick down your door and seize your computer as a "Device used or intended for use ...as a gambling device.) Can you believe all this?

So far, the casinos are being allowed to operate. The digital casinos are well aware that they are legally out of reach of the U.S. And state and federal agencies are not enforcing existing laws because it would require an unacceptable level of intrusion in the private lives of Americans. And the fact remains that the Justice Department has never prosecuted a private sports bettor. No one has ever been raided, indicted or arrested in connection with the transfer of a private bet.

## What are the risks if you open an account?

There are many! First, you have to consider who is the firm operating the site. Some have prior convictions that would bar them from being involved in U.S. casinos. Some are "quick buck con artists" previously involved in various questionable activities ...such as "900" number scams. Is this the type of firm that should have your credit card number?

It must be said, however, that not all operations are corrupt. We have heard that some legitimate Las Vegas casinos are getting into the digital casino business. Internet casinos who operate above board are said make a 20% profit on every dollar that moves through their operation. They don't care who wins. They just want a larger handle. Even they are concerned about unscrupulous operators who dive in and open a casino, rip off customers ...and then disappear.

And Internet privacy/security technology is still not iron-clad. Far from it. There is really no widely-accepted way to insure secure and private Internet transactions. At least not now. Electrons are odorless and invisible and Internet users do not yet have really strong encryption software ...that is except the military. The United States intends to keep it that way to avoid undetectable crimes ...especially in the area of drug trafficking and terrorist activity. They want to be able to record anyone's use of the Internet ...or any communications medium for that matter.

It is just a matter of time, however, before acceptable Internet payment schemes are worked out. We heard that strong encryption is available for purchase in the United States - but not for download to foreign locations. If that is true, there is nothing to stop a virtual casino operator from purchasing the software domestically and taking it to an offshore location. Technology is fast outpacing the legal system.

Another thing to consider. Just what are the odds of winning? Las Vegas and Atlantic City competition and oversight keeps the payout in an acceptable range related to receipts. Internet gambling is totally unregulated, uncontrolled, illegal and their sites, located thousands of miles away. There is nothing that the law can do if the player suspects that the casino is cheating. Have fun but we suggest you save your real money for Las Vegas.